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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 003588

SIPDIS

FOR G/TIP, NEA/ARPI

E.O. 12958: DECL: 08/09/2015

TAGS: PHUM PREL PGOV KCRM KU

SUBJECT: G/TIP ACTION PLAN FOLLOW-UP

REF: A. ASSEFA-BROWN AUGUST 8 EMAIL

1B. KUWAIT 3532

1C. KUWAIT 2990

1D. KUWAIT 2863

Classified By: Ambassador Richard LeBaron for reasons 1.4 (b) and (d)

11. (U) As requested by ref A email, Post provides below additional information for the reassessment of Kuwait's Tier 3 ranking in the 2005 Trafficking in Persons (TIP) Report. This information further confirms Post's assessment of significant progress in improving labor conditions for foreign workers. Confirmation of Kuwait's re-designation to Tier 2 Watch List would assist us in consolidating forward momentum.

TIP-Related Prosecutions

12. (SBU) As reported in ref C on July 3, Post obtained court documents proving more than 30 TIP-related prosecutions, 27 of which were resolved during the April 2004-March 2005 reporting period and another four since, thereby making all of them germane to the 2005 TIP Report. There were 14 cases of abuse among these prosecutions including one rape. The court sentenced two men to life in prison in August 2005 for sexually violating an Indonesian maid.

13. (SBU) Post received evidence of two additional prosecutions (ref B), one during the 60-day grace period. The first fined a Kuwaiti sponsor 1,040KD (\$3,557) in May for abusing and failing to pay his maid. The other ordered a maid's employer to pay her 420KD (\$1,436) in back-wages in June.

14. (U) Post faxed court documents regarding the rape case to NEA/ARPI as an example of evidence of prosecution. (Note: Post received the dispositions with the criminals' and victims' names deleted. Court numbers and verdicts are visible, however. End note.) Post can send copies of documents supporting all 33 cases, approximately 115 pages in Arabic, via FedEx upon receipt of fiscal data.

Establishing a Shelter

15. (C) Ambassador spoke August 10 with Major General Thabet Al-Muhanna, Assistant Undersecretary for Security Services at the Ministry of Interior (MOI), who said that the MOI would reiterate the import of establishing a shelter for maids in need with the inter-ministerial committee (ref D) in its next meeting. Al-Muhanna admitted that Kuwait needs to find a better alternative for maids facing mistreatment. For those maids who report abuse but do not want to leave the country, he explained, they currently have the option of seeking refuge at their embassies, some of which operate shelters, or returning to their sponsors since they cannot remain in police stations. Al-Muhanna said building a shelter is the proper solution. He also mentioned that MOI would work with the Ministry of Information to develop a public campaign to educate Kuwaiti residents about the proper treatment of domestic workers. Post will continue to seek clarification on these issues. General Al-Muhanna alerted us to public announcements coming out in August 13's newspapers highlighting enforcement of contracts for maids and the proposed 40KD (\$137) monthly minimum wage for domestic employees.

Draft Labor Law

16. (U) Post obtained an Arabic-language version of the draft labor law from the Ministry of Social Affairs and Labor, which has been faxed to NEA/ARPI. As detailed in ref B, the new labor law would: establish a minimum monthly wage of 50KD (\$172) for unskilled laborers, limit the work week to 48 hours, permit the formation of labor unions, protect workers against termination without cause and afford women 45 days of maternity leave, among other guarantees. The new law would not extend to domestic servants who fall under the jurisdiction of the MOI.

July 8 Decree: Contracts for Maids

17. (U) The referenced July 8 decree mandated the implementation of a contract for maids effective October 1. The following is an unofficial translation of the requested document.

18. (U) Begin text:

Ministry of Interior
Department of the Office of Assistant Undersecretary for
Security Services

July 8, 2005

No. 7480

Subject: Contracts for recruitment of private servants and
the like

With reference to the letter of the Interior Undersecretary addressed to the Foreign Undersecretary dated April 9, 2005, including the request to circulate to Kuwaiti missions abroad to authenticate the foregoing contracts in addition to authentication of the entry visas granted to servants. We would like to inform you that so far we have not received any statement on whether the circulation to our missions abroad has been made or not.

Therefore, please notify our Kuwaiti missions abroad that the enclosed contract will be circulated to the domestic labor recruitment offices and will be put into force as of October 1, 2005, and facilitate the measures for authentication of the contract with the visa by the Kuwaiti mission available in the country of the servant so that he would come accordingly.

Assistant Undersecretary for Security Services
Major General Thabet Al-Muhanna

End text.

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